

CONSERVATION COMMISSION  
REGULAR MEETING JULY 17, 2012  
CONFERENCE ROOM L 101

These minutes are not verbatim, but represent a summary of major statements and comments. For minutes verbatim, refer to audiotapes on file in the Office of the Town Clerk. Audiotapes are retained for the minimum period required under the retention schedule as provided under Connecticut Law.

Chairman Block called the roll call at 7:01 p.m. and noted Commissioners Andreas, Clark, Igielski and Shapiro were present. Also present were Alternate Paskewich and Town Engineer Chris Greenlaw.

NOTE: Chairman Block designated that Alternate Paskewich would vote for the vacant position.

ITEM III  
ACCEPTANCE OF MINUTES

Special Meeting of June 5, 2012

Commissioner Clark noted the following corrections:

- A. Middle of Page 1---Remark by Ms. Rose Lyons should read “Ms. Rose Lyons, 46 Elton Drive....in the areas of Welles (Wells) Drive North and....owns these properties.”
- B. Middle of Page 1---Remark by Mr. Roy Zartarian should read “Mr. Roy Zartarian, 25 Stuart (Stewart) Street commended the Commission....audio tape for his remarks).”
- C. Middle of Page 3--- Remark by Alternate Paskewich should read “Alternate Paskewich (Paskewick) noted that this project...occur outside of the 100 foot upland review area.”
- D. Middle of Page 3--- Remark by Alternate Paskewich should read “Alternate Paskewich (Paskewick) asked for the location...be provided at a later date.”

Motion made by Commissioner Igielski to accept the minutes as amended and was seconded by Commissioner Shapiro. There was no discussion. Vote was 5 yes, 0 no, 1 abstention (Andreas) and the motion was carried.

Regular Meeting of June 10, 2012

Motion made by Commissioner Andreas to accept the minutes as submitted and was seconded by Alternate Paskewich. There was no discussion. Vote was 4 yes, 0 no, 2 abstention (Igielski and Shapiro) and the motion was carried.

Special Meeting of July 3, 2012

Motion made by Commissioner Igielski to accept the minutes as submitted and was seconded by Commissioner Andreas. There was no discussion. Vote was 5 yes, 0 no, 1 abstention (Shapiro) and the motion was carried.

#### ITEM IV

PUBLIC PARTICIPATION ON NON-AGENDA ITEMS: NONE

#### ITEM VA (Public Hearing)

Application 2012-12A, 2909 Berlin Turnpike, Map Amendment

Mr. Chris Greenlaw, Town Engineer, noted that the notice of the public hearing appeared in the Hartford Courant on July 5<sup>th</sup> and July 12, 2012. He proceeded to read the notice into the record.

Mr. Dean L. Gustafson, Professional Soil Scientist, All-Points Technology Corporation, PC, entered the following remarks into the record:

- A. The wetland under discussion is 5,600 square feet in size and is located in the northwest corner of the property along the northerly property line (in the vicinity of Main Street).
- B. The wetland under discussion is not shown on the Town Map.
- C. The wetland under discussion emanated from the natural storm water basin that was constructed under the Krispy Kreme development.
- D. The applicant is requesting an amendment to the Town Map.

Commissioner Andreas asked if it is normal practice to discuss the buffer at this time? Mr. Gustafson responded that any questions on buffer area would be discussed under the next application (site plan approval).

Mr. Greenlaw noted that the focus of the discussion is to define the entire wetland resource. He also noted that there is also some (newly discovered) wetland on the abutting property (to the north).

Commissioner Igielski asked could the quality of the wetland be considered to be medium in nature relative to the support of animal life? Mr. Gustafson responded the noted area is a small isolated wetland surrounded by development. It looks to be intentionally created with

limited value. Its main function is the treatment of storm water. The term “medium” is subjective in nature.

Mr. Greenlaw asked what was the methodology that was used to determine the wetland boundary limits in the field? Mr. Gustafson responded wetlands in Connecticut are determined by soil type. A drain spade and/or soil auger was used to secure and evaluate the soil samples (listen to audio tape for the details of his remark).

PUBLIC IN FAVOR: NONE.

PUBLIC AGAINST: NONE

Motion made by Alternate Paskewich to close the public hearing on Application 2012-12A and was seconded by Commissioner Shapiro. There was no discussion. Vote was 6 yes, 0 no and the motion was carried.

Commissioner Igielski noted that he has read the minutes and reviewed applications and plans and therefore, he would participate on all agenda items.

#### ITEM VI A

Application 2012-15, MDC Meadow Street

Mr. Eric Pizzoferrato, Project Engineer, MDC entered the following remarks into the record:

- A. He is the project manager for the generator project for the Meadow Street (sanitary sewer) pump station in the southwest corner of town.
- B. The pump station serves approximately 120 homes and businesses in the area.
- C. The only current source of power to the station is the over head CL&P service line.
- D. The pump station is out of service when the power is lost in the area.
- E. The project objective is to install a generator that would provide power to the station when local power is lost.
- F. The generator station would be located on high ground approximately 300 feet west of the pump station.
- G. The nearest structures to the proposed generator station are a barn at 40 feet and a house at 100 feet.
- H. The noise level of the generator at 20 feet would be 60 decibels.
- I. The MDC command center would monitor the station 24 hours a day.

Commissioner Andreas asked the following questions:

- A. How would the electric service be provided between the pump station and generator? Mr. Pizzoferrato responded by an under ground conduit line that would be adjacent to the edge of the existing pavement as indicated on the plan.
- B. Is this the only work that would be done in the area? Mr. Pizzoferrato responded that this work is considered to be Phase 1. At a later date, Phase 2 would call for the relocation of the pump station to a location near the proposed generator station. The existing pump station was flooded during the last major storm and was out of service for some time.

Commissioner Igielski asked the following questions:

- A. For an explanation of the proposed conduit line trench relative to any regulated areas? Mr. Pizzoferrato responded about 260 feet would be in wetland and approximately 50 feet would be in the upland review area.
- B. Is there an alternative other than going through the wetland and Flood zone? Mr. Pizzoferrato responded no.

Chairman Block noted that per Drawing C-3, the pump station is in a wet area with an over head electrical service line.

Commissioner Igielski noted that there is a difference between the Town Map and the findings of the soil scientist retained by the MDC. Would not a Map Amendment be in order? Mr. Pizzoferrato responded that he could not respond to the question tonight.

Commissioner Andreas asked what is the grading on the west side of the new platform? Mr. Steven C. Hollowell, P.E., Senior Project Manager, Wright-Pierce responded a slope of 2 on 1 with (grass) matting.

Mr. Hollowell entered the following remarks into the record relative to the consultant's wetland findings:

- A. Mr. Robert Russo was the soil scientist.
- B. Conduit line is in wetland per the Town Map.
- C. The consultant wetland boundary limits are fifteen (15) feet on either side of the road.

Commissioner Igielski noted the Commission must make a determination if the Town Map needs to be amended.

Chairman Block noted that the process used to determine the wetland limits should be entered into the record.

Commissioner Igielski asked why is the proposed conduit 4.5 feet deep? Mr. Hollowell responded that the CL&P standard is being used for the duck work.

Motion made by Alternate Paskewich to table the item over to the August meeting and was seconded by Commissioner Igielski. There was no discussion. Vote was 6 yes, 0 no and the motion was carried.

#### ITEM VI B

Application 2012-11A, 181 Robbins Avenue

Mr. Alan Bongiovanni, President of BGI and representing the applicant (Norman Rainville), entered the following remarks into the record:

- A. Chairman Block at last month's meeting (due to a prior application where a wetland had been found on the property) had requested the wetland limits be shown on any plan.
- B. He questioned the Commission's right to require a Map Amendment; but to move things along, would agree to a request for a Map Amendment.

Mr. Greenlaw noted that at last month's meeting only the watercourse was shown to the Commission on the plan. On a prior application for the property, the plan showed a wetland that had been flagged in the field by a soil scientist.

Motion made by Commissioner Igielski that per Section 15.7 of the Town of Newington Inland Wetlands and Watercourses Regulations a public hearing be held on Application 2012-11A (Request for a Map Amendment) on August 21, 2012 at 7:00 p.m. in Conference Room L 101, Town Hall, Newington CT. Motion seconded by Alternate Paskewich. There was no discussion. Vote was 6 yes, 0 no and the motion was carried.

#### ITEM VI C

Application 2012-11, 181 Robbins Avenue

Mr. Alan Bongiovanni, President of BGI and representing the applicant (Norman Rainville), entered the following remarks into the record:

- A. The subject parcel of land contains 1.5 acres from which an additional lot would be cut out at the southeast corner of the property.
- B. A man made drainage ditch runs along Willard Avenue (westerly property line).
- C. A low land area in the southwest corner of the property was previously determined to be a wet land (by a soil scientist).
- D. All activity would occur within the (100) foot up land review area.

E. Silt fence would be placed around the perimeter of the work area and pile of top soil.

F. A tracking mat would be installed at the street entrance into the property.

Chairman Block asked if the existing shed would be removed? Mr. Bongiovanni responded yes.

Chairman Block asked what would happen to the excess excavated material? Mr. Bongiovanni responded that since a raised ranch home would be constructed, there would be a small amount of excavated material. This material would be used to grade around the house foundation.

Commissioner Clark asked if the proposed deck would be treated as a structure? Mr. Bongiovanni responded that it was part of the application.

Motion made by Commissioner Igielski to table the item over to the August meeting and was seconded by Commissioner Andreas. There was no discussion. Vote was 6 yes, 0 no and the motion was carried.

#### ITEM VII A

Application 2012-11, 181 Robbins Avenue-Refer to VI B above

(NOTE: This application was presented last month as a site plan and changed to a Map Amendment request this month. The site plan request is now being presented under Application 2012-16)

#### ITEM VII B

Application 2012-12A, 2909 Berlin Turnpike, Map Amendment

Chairman Block asked if the application was complete? Mr. Greenlaw responded yes.

Mr. Greenlaw passed out I list of suggested reasons for consideration by Commission members.

Motion made by Commissioner Igielski that the Commission after a review of the application and supporting documentation, Public Hearing held July 17,2012 and closed on July 17, 2012, and subsequent discussion by Commission members, make a finding in Application 2012-12A and issue a permit by Plenary Ruling for reasons stated in the record (audio tape) or "Official Notification of Action". Motion was seconded by Commissioner Andreas Vote was 6 yes, 0 no and the motion was carried.

#### ITEM VII C

Application 2012-13, 2909 Berlin Turnpike

Commissioner Andreas asked what enhancement(s) are planned to address invasive plants? Mr. Gustafson noted that there are no direct impacts because the upland area is a disturbed area. However, our plan is to remove the existing invasive plants through a combination of

cutting and the use of herbicides. The invasive plants would be replaced with plants that provide food for birds, thus adding wild life value to the system.

Chairman Block asked if the application was complete? Mr. Greenlaw responded yes.

Motion made by Commissioner Igielski that based on the information before it, the Commission make a finding of fact that a public hearing is not necessary for Application 2012-13 because the proposed activities would not have a major impact or significant effect on the regulated areas. Motion seconded by Alternate Paskewich. There was no discussion. Vote was 6 yes, 0 no and the motion was carried.

Mr. Greenlaw handed out a list of suggested conditions for review and comment by Commission members.

There was a general discussion and review of the conditions for this application among Commission members.

Motion made by Commissioner Igielski to grant a permit by Summary Ruling for Application 2012-13 and subject to conditions noted in the record (audio tape) or "Official Notification of Action". Motion was seconded by Commissioner Andreas. There was no discussion. Vote was 6 yes, 0 no and the motion was carried.

#### ITEM VII D

Chairman Block-New Initiative (Invasive Plants)

It was the consensus of Commission members to carry the item over to the August meeting.

#### ITEM VIII

PUBLIC PARTICIPATION ON NON-AGENDA ITEMS: NONE

#### ITEM IX

COMMUNICATIONS AND REPORTS

- A. Mr. Greenlaw noted that the duly authorized agent rendered a decision to approve the activity (installation of a patio) at 2414 Berlin Turnpike. He passed out a copy of the letter authorizing the work to be done.
- B. Mr. Greenlaw passed out a packet developed by him and the duly authorized agent (Mr. Graig Minor). The packet included suggested requirements for the agent in a rendering a decision on a request for a minor activity in the upland review area. It was the consensus of Commission members to place the item on the agenda of the August meeting.
- C. Commissioner Igielski noted last month that the Commission acted the same night on a request for a permit modification. He noted that a recent change in the State Regulations raises the question if there should be a two (2) week wait to allow the public to request a public hearing. Mr. Greenlaw was requested to check with DEEP on its interpretation of this change.

- D. Mr. Greenlaw passed out a copy of an e-mail that he had sent to the Town Attorney dealing with the “pre-application process”. The e-mail stated “As per our discussion with regard ....of various municipalities or Districts. The purpose of the inland wetland agency is to supervise regulated activities. I interpret this (with your advisement)...or the evidence of pre-determination or prejudice. Therefore, until an application is filed for a potential site, there should be no exploration (site walk), no researching of reports/or data, and no specific references or speculative remarks by commissioners; especially during a meeting.” The Town Attorney agreed with the contents of the e-mail. He read the full contents of the e-mail into the record (listed to the audio tape for the contents of the e-mail.

Motion made by Commissioner Andreas to adjourn meeting at 9:15 p.m. and was seconded by Commissioner Shapiro. There was no discussion. Vote was 6 yes, 0 no and motion was carried.

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Peter M. Arburr, Recording Secretary

Commission Members

Tayna Lane, Town Clerk

Town Manager, John Salamone

Town Planner

Councilor Myra Cohen

Councilor David Nagel

Chairperson, Town Plan and Zoning Commission.

Peter Borman, Esquire, Town Attorney

Chris Greenlaw, Town Engineer

Lucy Robbins Wells Library (2)